

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

2004 JAN 26 P 4:43

U.S. DISTRICT COURT  
DISTRICT OF MASS.

BROOKE K. WHITMAN, Individually and as Mother and Next Friend of SAMANTHA KATE WHITMAN, a minor, and JOEL WHITMAN, Individually,	)	Civil Action No. 03-CV-12543RGS
Plaintiffs,	)	
v.	)	
AUTOMATIC DATA PROCESSING, INC., CHANNEL ONE COMMUNICATIONS CORPORATION, d/b/a CHANNEL ONE NETWORK, and PRIMEDIA, INC.,	)	Civil Action No. 03-CV-12543RGS
Defendants.	)	
	)	

**DEFENDANTS PRIMEDIA, INC. AND CHANNEL ONE  
COMMUNICATIONS CORPORATION'S MOTION TO DISMISS**

Defendants Primedia, Inc. and Channel One Communications Corporation move pursuant to Fed. R. Civ. P. 12(b)(6) that the Court dismiss the plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted.

As set forth more fully in the accompanying memorandum of law, the plaintiffs cannot recover under any count against Primedia or Channel One as a matter of law because:

- (1) the plaintiffs allege only that Primedia is Channel One's parent corporation and fail to assert any basis for piercing the corporate veil; and
- (2) the plaintiffs fail to allege that Primedia or Channel One took any action or made any omission that harmed the plaintiffs.

WHEREFORE, defendants Primedia, Inc. and Channel One Communications Corporation request that the Court dismiss all counts of the plaintiffs' First Amended Complaint.

Respectfully submitted,

PRIMEDIA, INC. and CHANNEL ONE  
COMMUNICATIONS CORPORATION

By their Attorneys,

*Kristin Sostowski*

Michael Kendall (BBO #544866)  
Kristin D. Sostowski (BBO #652770)  
McDermott, Will & Emery  
28 State Street  
Boston, MA 02109  
(617) 535-4000

Dated: January 26, 2004

**CERTIFICATION OF SERVICE**

I hereby certify that a true copy of the above  
document was served upon the attorney of record  
for each other party by mail (by hand) on 1/26/04

Kristin Sostowski

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2004 JAN 26

**McDERMOTT, WILL & EMERY**

U.S. DISTRICT COURT  
 DISTRICT OF MASS.

January 26, 2004

**BY HAND DELIVERY**

Mr. Tony Anastos, Clerk  
 United States District Court  
 for the District of Massachusetts  
 One Courthouse Way, Suite 2300  
 Boston, MA 02210

Re: Brooke K. Whitman, et al. v. Automatic Data Processing, Inc., et al.  
Civil Action No. 03-CV-12543RGS

Dear Mr. Anastos:

Enclosed for filing please find the following documents:

1. Defendants Primedia, Inc. and Channel One Communications Corporation's Motion to Dismiss; and
2. Defendants Primedia, Inc. and Channel One Communications Corporation's Memorandum of Law in Support of Their Motion to Dismiss.

Kindly date stamp and return copies of these documents with the messenger who has been instructed to wait. Thank you for your time.

Very truly yours,

Kristin D. Sostowski

Enclosures

cc: Michael D. Kendall, Esq.  
 Norman J. Fine, Esq. (by hand)  
 Robert C. Anderson, Esq. (by overnight mail)  
 Robert D. Hillman, Esq. (by hand)